

LEGALIZE GLOBAL CO-OPS

A Report by

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Legal Perspectives on Incorporating International Cooperatives in the Global South

This paper seeks to initiate meaningful conversations between members of cooperatives and policymakers, particularly those in developing regions often known as the Global South. It centers on two main issues. Firstly, it examines the legitimacy of legislative restrictions common in these economies that limit cooperative membership to residents or nationals of a specific geography, especially in the context of platform cooperatives. Secondly, the paper investigates how platform cooperatives with international membership might improve collaboration among cooperatives in a south-south and north-south context. This aspect is carefully evaluated. The goal is to see if this improved way of cooperating can help meet the international community's wider objectives. These objectives focus on promoting fairness in society and protecting the environment.

Well known cooperatives with international membership include (a) Magnum photographs that raised the bar for not just the craft and art of photography, but also in terms of establishing good working conditions and opportunities for the photographers who are considered as solo professionals fending individually for their welfare; (b) Resonate, which as an international platform cooperative opened the space of artists worldwide to negotiate with the market better terms of payments; (c) Up & Go Cooperative which gave dignity of work and joint platform of shared business to cleaning staff who are mostly migrants; (d) Smart Belgium which guarantees its members who are freelancers reasonable stability and recognition as any mainstream professionals in Belgium; (e) Oikocredit and SWIFT, that as international cooperatives have helped serve two diverse aspects of the financial business, with the former serving its members through aiding communities worldwide through impact investment, and the latter bridging the banking communities of the world together to offer affordable service to millions of customers around the world, while it itself remaining a non-profit entity. The common aspect running through these examples is that all these are registered in the most advanced economies of the world, and to some extent, most try to address problems faced in these economies. The purpose of this paper is to highlight legal arguments in favor of creating international platform cooperatives in less-advanced economies that would also solve problems that are of concern to people in these countries, and those concerning less-fortunate

persons in the world at large. Structured into five sections, the paper unpacks the following topics. The first section, (I) “Incorporating an International Entity,” outlines the benefits and purposes behind the legal registration of entities on an international level. Following this, section (II), “International Law on Cooperatives,” provides evidence that cooperative enterprises are recognized entities under international law, which implies that they should be regulated by a globally consistent set of rules and understandings. Section (III) offers additional support for the arguments presented in section (II) by exploring the legal importance of recognizing cooperative principles and practices as intangible cultural heritage. The fourth segment, (IV), examines specific legal core challenges that are at the heart of the paper. The concluding section, (V), presents ideas developed from the paper’s main arguments, highlighting how the platform cooperative model could play a role attaining sustainable development, which goes beyond the well articulated UN Sustainable Development Goals to be achieved by the year 2030. The SDGs were included in the UN Agenda 2030 for sustainable development, which, in the eyes of a legal professional is an instrument of public international law, i.e. the law of the nations, This text includes cooperatives as part of the “diverse private sector” and identifies the cooperative enterprise model to better conditions of full employment and entrepreneurship in the world.

Incorporating an International Entity

This section discusses the advantages and legal implications of incorporating cooperatives on an international scale. *Incorporation means the legal recognition and the legal ability of the incorporated entity to participate in the economic and social progress of a civilized society.*¹ Incorporation is like giving birth to a new legal being for a business. It’s the official process where the business entity is created as a separate legal entity, distinct from its owners. After finishing the application steps, paying fees, and registering, the business entity becomes recognized by law. This means it can act on its own and do different things using its own name.

The term “legal personality” means that an entity, like a corporation or organization, is recognized by law as having its own rights and responsibilities, similar to an individual. This legal status enables the entity to participate in activities such as suing or being sued, signing contracts, owning property, and

other legal actions, independently of its owners or members. Incorporation, or the process of legally forming a company or cooperative, is highlighted as a key step for these entities to achieve their objectives reliably. While groups without legal status, like grassroots self-help groups or large, non-registered charities in countries like the UK, can accomplish significant goals, this discussion will focus on cooperatives with legal incorporation.

The focus is on these legally established cooperatives because a major goal for cooperative lawyers is to ensure these entities are recognized by law as separate legal personalities. This legal recognition is crucial for protecting the rights of the members and ensuring they fulfill their responsibilities within the cooperative.

An international entity has a different character than a multinational one, for one major reason, the former is seamless and boundless, and in many ways operates in the space similar to the legal concept of international waters or the high seas.

The “High Seas” refer to parts of the ocean that are not controlled by any one country. According to ocean laws, these areas are open for everyone to use for sailing, flying over, fishing, and other allowed activities. High seas are one of the aspects of the Law of the Sea and are areas beyond the jurisdiction of any single state and are open to all states for navigation, overflight, fishing, and other lawful uses. The use of the term international in this paper is to convey to the reader that the idea of the entity or the group of entities being proposed, has a character which is international and not multinational, meaning its purpose, scope and character can be potentially oriented to achieving goals that solve challenges that are global, such as poverty, hunger, inequalities, environmental degradation etc.

Cooperative Law: From International to National Legislation

Cooperatives are recognized in law and are often defined in legislation, with the help of the cooperative principles, particularly since the creation of the United Nations in 1945 which accorded the International Cooperative Alliance (ICA), the custodian of these principles, a Consultative Status with the UN Economic and Social Council in 1946. In 1995, the ICA’s general assembly adopted the “Statement on the Cooperative Identity,” which includes a definition, values, and

7 principles of cooperatives. This was later included in an International Labour Standard, the ILO Promotion of Cooperatives Recommendation 193.

This gave cooperatives a legal standing not only under national laws but also internationally. International Labour Standards (ILS) are legal guidelines, principles or rules established by the International Labour Organization (ILO), to ensure basic rights and protections for workers around the world. These standards cover various aspects of employment, including working conditions, wages, hours of work, occupational health and safety, freedom of association and the right to collective bargaining. International Labour Standards promote social justice and protect the rights of workers, regardless of their nationality or the country in which they work. They serve as a framework for countries to develop their own labor laws and policies, often setting minimum requirements that member states are expected to meet. The ILO is the main international organization responsible for developing and promoting these standards and regularly monitors their implementation through various mechanisms, including Conventions, Recommendations, and supervisory mechanisms. Countries that are members of the ILO are expected to adhere to these standards and report on their progress in implementing them. Since its adoption, ILO.R.193 has influenced legal reform in close to 100 countries in the world. ²

A key part of the ILO R. 193 and international cooperative laws is the “principle of equal treatment” or “non-discrimination.” This means everyone should be treated fairly and the same by the law, without unfair treatment because of certain characteristics. These characteristics typically include race, ethnicity, gender, religion, age, disability, sexual orientation, and sometimes other factors such as nationality or social status. In the context of business, the principle of equal treatment refers to the fair and equitable treatment of different types of enterprises, regardless of their size, ownership structure or legal form. This principle is essential for promoting competition, fostering innovation, and ensuring a level playing field in the market. Equality of regulatory framework, access to markets and finance, competition policy etc., are a few indicators that different enterprise types strive to achieve. Legally speaking, the treatment extended to cooperatives must not be any less favorable than that provided to other forms of enterprises and social organizations. The foremost international legal instruments establishing this is the ILO Promotion of Cooperatives Recommendation (No. 193) ³ which lists the cooperative principles with the aim to guide national laws and policies on cooperatives. While equal treatment is

necessary, international law also clarifies that the special character of cooperatives must not become the cause of discrimination or disadvantage against enjoying real equality. Policies aimed at achieving this equality begin at supporting the members achieving their individual goals in the process contributing to the society's broader aspirations.⁴

A more basic argument to further the idea of the existence of an international cooperative law is this. Art 38.1.c of the Statute of the International Court of Justice states the court identifies inter alia international custom, as evidence of a general practice accepted by law, as a source⁵ of international law. The main tests of international customary law are two, namely widespread and consistent state practice, and second opinion juris meaning *a belief in legal obligation*, i.e., states must consider only those entities cooperatives that reflect, to the least, the basic structure of the cooperative principles. Here the term principles is used instead of the term Identity because the former was the first to be widely accepted globally, and even recognized in legislation as well as in at least one-third of national constitutions worldwide.⁶

Basic Structure Doctrine and the Evolution of Cooperative Law

The author employs the term basic structure as an ode to the landmark constitutional law judgment and forward looking yet rooted jurisprudence on moral principles and law propounded by the Supreme Court of India in *Kesavananda Bharati v. State of Kerala*, 1973. The Doctrine stands as a pivotal concept in the realm of constitutional jurisprudence and emanates from a profound philosophical underpinning that seeks to preserve the essential, unalterable features of the Indian Constitution while allowing for necessary amendments to accommodate changing societal needs. The philosophy behind the Basic Structure Doctrine is rooted in the principles of justice, equality, and the rule of law, which are enshrined in the Preamble and various parts of the Indian Constitution. It signifies a commitment to maintaining a harmonious balance between the imperatives of social progress and the preservation of fundamental constitutional values. This doctrine underscores that the Constitution is not a static document but a living one, capable of evolving to meet the needs of a changing society while remaining true to its foundational philosophy. This philosophical approach recognizes that while constitutional flexibility is essential for the growth and adaptation of the legal framework,

there must be inherent limitations to prevent the subversion of the Constitution's core principles. In *Kesavananda Bharati*, the Supreme Court identified certain features, such as the supremacy of the Constitution, federalism, secularism, and separation of powers, as part of the basic structure. The conclusion author draws from viewing the arguably varying practices of organizing cooperatives in different countries and contexts, from the lens of Basic Structure doctrine, is that a cooperative is always recognized as one by the law and the state, only if it is always member-based, oriented towards the member-welfare, and operates under democratic control while fostering cooperative institutional structures, irrespective of the socio-economic conditions of the place of its establishment.

Customary international law emerges through a gradual process marked by consistent State practice and the recognition of that practice as legally binding, known as *opinio juris*. Key elements in the formation of customary international law are rooted in the actual conduct of states, requiring a sustained and widespread pattern of behavior indicating adherence to a specific practice. State practice encompasses actions, policies, or omissions related to a particular issue. Additionally, *opinio juris*, the belief that a practice is legally obligatory, is essential. States must engage in the practice with a sense of legal obligation, distinguishing customary law from mere habit or voluntary action. Typically, customary international law demands a significant duration and breadth of State practice, involving consistent adherence over a substantial period and by numerous States. The specific timeframe and number of states involved may vary depending on the circumstances and subject matter. Furthermore, acknowledgment and acceptance of the customary rule by other states, international organizations, and legal scholars are crucial, demonstrated through diplomatic statements, judicial rulings, treaty clauses, or scholarly consensus. Lastly, the "persistent objector" rule allows a state to dissent from the formation of a customary rule if it consistently and explicitly objects during its development, enabling it to maintain a different position and not be bound by the customary norm.⁷

Let's come back to the public international law on cooperatives and reference the Scope, Definition and Objectives i.e., Part I. of the ILO.R.193. First, this international normative standard applies to all cooperatives of all types everywhere, and while moving away from the terminology employed in the previous ILO Recommendation (127) is not restricted in its application to

cooperatives in the so-called developing countries alone. Additionally, ILO R. 193 helps stakeholders as well as the legal systems governing them prepare to imagine newer cooperatives in newer business sectors. Paragraph 4 of this Recommendation lays down the measures that states need to adopt to promote the potential of cooperatives in all countries. The author interprets this as promoting the potential of cooperative movements, in addition to cooperatives in all countries. This interpretation is based on the presence and relevance of Part V of the Promotion of Cooperatives Recommendation (No. 193) which lays down guidelines to facilitate international cooperation as the following: ⁸

“... (a) exchanging information on policies and programmes that have proved to be effective in employment creation and income generation for members of cooperatives;

(b) encouraging and promoting relationships between national and international bodies and institutions involved in the development of cooperatives in order to permit:

(i) the exchange of personnel and ideas, of educational and training materials, methodologies and reference materials;

(ii) the compilation and utilization of research material and other data on cooperatives and their development;

(iii) the establishment of alliances and international partnerships between cooperatives;

(iv) the promotion and protection of cooperative values and principles; and

(v) the establishment of commercial relations between cooperatives;

(c) access of cooperatives to national and international data, such as market information, legislation, training methods and techniques, technology and product standards; and

(d) developing, where it is warranted and possible, and in consultation with cooperatives, employers' and workers' organizations concerned, common regional and international guidelines and legislation to support cooperatives.”

The aforesaid measures include, among others, the need to establish and expand a viable and dynamic sector of the economy, which includes cooperatives, that responds to the social and economic needs of the community. Furthermore, the Recommendation clarifies the aim of adopting the special measures and views cooperatives as enterprises and organizations inspired by solidarity.

It is pertinent to consider the global economic landscape at the turn of the last century. The impending collapse of the Soviet Union spurred numerous developing nations to adopt market-driven laissez-faire economics in the late 1980s and early 1990s. India in particular was able to wriggle her way out of what was then a catastrophic situation by driving investment, capital and market diktats in the famous 1991 Union Budget delivered by the then Finance Minister Dr. Manmohan Singh who later went on to become the Prime Minister of the Indian Republic. Arguably, the reliance of the governments on cooperatives to advance its programmes aimed at curbing poverty, hunger and other basic challenges, withered with national economies entering the high seas of global economics. For the UN and the ILO to relook at cooperative legislation at that time in history with the perceived singular intention to update them and prepare cooperatives of all types everywhere, in the then recently developed unipolar world, must be commended.

Cooperative Principles in International Law: An Overview

Customs are a source of law. Customs recognized as such with significance to sustainable development and for the good of entire humanity, are protected under international law. This protection is called “safeguarding” and its meaning in the context of cooperatives, and the details of the protection are elaborated in the following section. This section highlights how cooperative principles, specifically cooperation and solidarity, extend beyond local legal frameworks to receive international legal protection.

It underscores that cooperatives are not merely local entities but are recognized and safeguarded globally by law, aligning with their foundational principles. Therefore, suggesting that international cooperatives, if created and working in advanced economies, must create enough grounds for similar cooperatives to be created in all economies, including those in the global south.

The element entitled *idea and practice of organizing shared interests into cooperatives*, was inscribed into the Representative List of Intangible Cultural Heritage of Humanity by UNESCO in 2016 on the application made on the Raiffeisen model of banking by the German government. This inscription recognizes the significance of cooperatives as a form of social organization that promotes collective action, mutual aid, and community development. This translates into the fact that cooperatives are part of a shared and living culture of the world, which is legally protected and promoted by the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, 2003. This Convention is an international treaty aimed at protecting and promoting intangible cultural heritage (ICH) worldwide which include traditions, rituals, oral expressions, performing arts, social practices, knowledge, and skills that communities, groups, and individuals recognize as part of their cultural heritage. Unlike tangible cultural heritage, which includes physical artifacts like buildings and monuments, intangible cultural heritage refers to living expressions and practices passed down from generation to generation. The Convention encourages international cooperation and collaboration among countries, communities, and organizations to promote the safeguarding of intangible cultural heritage at the global level. It recognizes the interconnectedness of intangible cultural heritage across borders and encourages cross-border initiatives for its protection. National Measures is an important aspect of the Convention and requires state parties to take measures at the national level to safeguard intangible cultural heritage within their territories. This includes identifying and documenting intangible cultural heritage, promoting research and education, and integrating safeguarding measures into national policies and programs.

Intangible cultural heritage is closely linked to customary international law through its recognition and protection under international legal instruments and customary practices. While tangible cultural heritage, such as monuments and artifacts, has traditionally received more attention in international legal discourse, ICH represents the customs, traditions and practices passed down through generations that are not necessarily tangible but have significant cultural value. Customary international law, based on consistent state practice and *opinio juris* (the belief that certain practices are binding), recognizes the importance of preserving cultural diversity and promoting mutual respect between communities. In this context, the recognition and protection of ICH are seen as essential components of preserving cultural identity and promoting

human rights, including the right to participate in cultural life and the right to enjoy the benefits of cultural heritage. The recognition of the idea and practice of organizing shared interests into cooperatives, and the fact that cooperatives are more often than not associated with cooperative principles, further establish the principles as a source of international law for cooperatives.

The cases outlined below represent five UNESCO inscriptions, separate from the German, that serve to illustrate the interconnectedness between cooperative practices and local cultural traditions in different parts of the world. These underscore the symbiotic relationship between cooperatives and cultural heritage, with cooperatives serving as vehicles for preserving and perpetuating traditional practices across diverse cultural landscapes. Although these are examples of hyperlocal cooperatives and the paper concerns an international cooperative, the fact that the *coop-model* is employed by the stakeholders in these cases to protect elements that are fragile that sometimes on the verge of disappearing thus causing a deep global concern for humanity, is supposed to evidence that the unique international scope of the cooperative form, And, that despite its local DNA, the cooperative is a unique enterprise platform with the potential host international efforts to resolve local challenges.



Haenyeo: Traditional Korean 'Sea Women' Divers of Jeju Island. (CC Licensed Photo, Wikipedia)

Korea's Women Divers

In 2016, the tradition of Jeju Haenyeo (women divers) was added to the Representative List of Intangible Cultural Heritage (ICH). Originating from

Jeju Island, Republic of Korea, this tradition involves women diving to collect shellfish. Before diving, they pay homage to Jamsugut, the sea goddess, and upon returning to the surface, they emit distinct vocalizations. Passed down through generations within families and fishery cooperatives, this heritage not only empowers women in the community but also promotes environmentally friendly fishing techniques.



Shital Pati from Ghughumari, captured by Salil Kumar Mukherjee. (Photo under CC License, Wikipedia)

Bangladesh's Shital Pati Tradition

Enlisted in the Representative List of Intangible Cultural Heritage, the traditional art of Shital Pati weaving in Sylhet, Bangladesh, revolves around crafting sitting mats, prayer mats, and bedcovers from green cane or Murta.

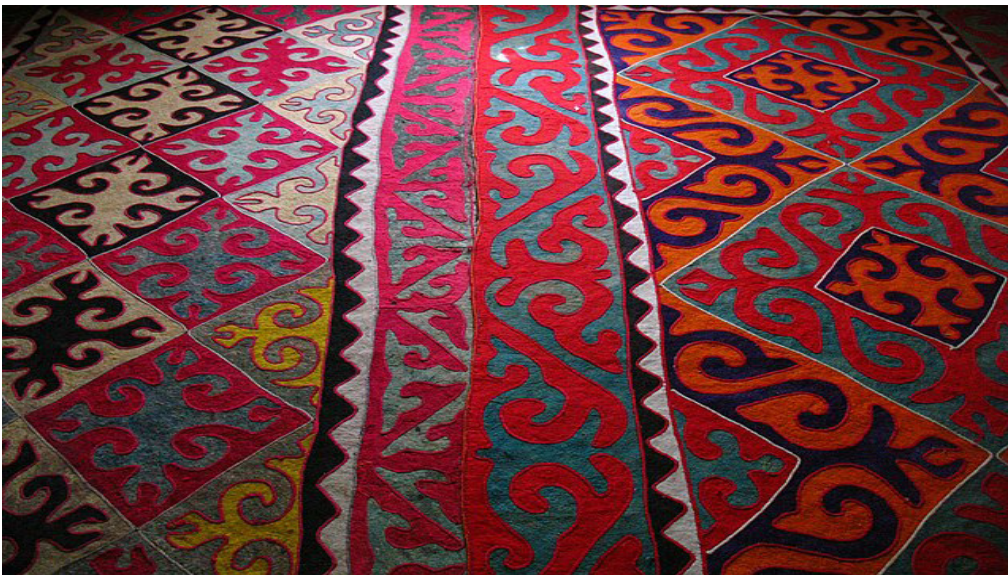
Cooperatives formed among the Shital Pati communities not only facilitate the preservation of this craft for posterity but also promote social cohesion among male and female weavers.



"The Casa del Sombrero Store: Montecristi or 'Panama' hats" by Alex Proimos, used under CC BY-SA 2.0

Panama's Artisanal Fiber Heritage

Included in the Representative List of Intangible Cultural Heritage, the artisanal processes and plant fiber techniques in Panama involve hand-weaving hats using plant fibers such as talcos, crinejas, and pintas. Collaboration among artisans and planters through cooperatives not only fosters solidarity but also safeguards this cultural tradition, which holds significance in Panamanian festivities.



Shyrdak in a Kyrgyz home, Kyzyl-Jar, Aqsy, Jalal-Abad by Firespeaker. (CC Licensed, Wikipedia)

Kyrgyzstan's Felt Carpet Art

Listed in the Inventory of Intangible Cultural Heritage in Need of Urgent Safeguarding, Ala-Kiyiz and Shyrdak represent the traditional art of crafting felt carpets in Kyrgyzstan.

Recognizing the declining nature of this craft, artisans have formed cooperatives to preserve both the technique and the intricate ornamentation associated with it.



"Moroccan Argan Tree" by Michael Flinn, used under CC BY-SA 2.0.

Moroccan Argan Tree Practices

The tradition of extracting oil from the Argan tree in rural southwest Morocco, listed in the Representative List of Intangible Cultural Heritage, involves a range of practices and know-how. This cultural tradition, spanning cultivation, extraction, and product development, holds immense significance, fostering social cohesion and mutual respect within communities.

Collaborative initiatives between women cooperatives and the International Cooperative Alliance (ICA) have yielded a documentary highlighting the production of Argan oil.

Drawing on the discussed cases and the argument that cooperative principles are integral to legal frameworks, alongside the issue of restrictive membership outlined later, the author will propose a platform cooperative model tailored for the fashion sector in Africa.

This proposal, inspired by the UNESCO Africa Fashion Sector Report's vision for a thriving fashion industry, aims to address the needs of stakeholders within the continent. This recommendation will attempt at meeting the challenges highlighted in the recommendations of the aforementioned report.

Legal Challenges Particular to the Ideas Presented in this Paper

The body of international jurisprudence on cooperatives, established throughout the 20th century, remains pertinent today, underscoring the pressing need for enhanced international collaboration to address the obstacles hindering the development, independence, and long-term viability of cooperatives in various nations. A testament of this is the 2021 Report of the Secretary General of the United Nations on Cooperatives in Social Development where the central issue of equal treatment while accounting for cooperatives' unique identity has been clarified.

Importantly, this report reiterates two key challenges cooperatives face with regards the legal frameworks they operate within, and this is truer for economically less-advanced countries. The first fundamental challenge for cooperatives is securing state acknowledgment of their right to exist and flourish.¹¹ Secondly, a significant challenge lies in many countries' ¹² legal frameworks not upholding the principle of equal treatment, leading to issues such as *restrictions on membership of foreigners*. Whereas it may be possible for companies in numerous jurisdictions in the world, to permit the participation of foreigners and in some cases foreign residents as partners and owners, it is not the norm to see this in the case of cooperatives in very many countries in the world.

This refers to the problematic trend of disregarding the principle of equality that can result in the so-called homogenization of the features of all forms of enterprise, blurring the lines between different organizational models and

diminishing their unique characteristics. The global community has identified the homogenization of enterprises as a challenge and is actively seeking to avoid it to successfully advance the Sustainable Development Goals.¹³

Homogenization is a tendency as much as it can be a trend. An easy way out for the policy makers on the one hand, and the capital-rich interests to stall evolution of the enterprises and entrepreneurship as such. This does not just affect cooperatives but all other forms of emerging ways of doing business that are not per the usual, as well as the new forms of cooperatives. Imagine if innovation had stopped after the creation of the Rochdale Equitable Pioneers Society or the cooperative financial institutions in Germany, etc.! We would not have seen social cooperatives or multi-stakeholder cooperatives or even platform cooperatives which are slowly finding themselves included in the legislation with the United Arab Emirates' Decree Law no. 9, being one of the recent examples which also permits, in a first in the region, the participation of foreigners as members.

Other issues worth mentioning here are unequal tax treatment which happens in many countries due to a lack of recognition or sometimes knowledge of the principle of mutuality among members; and the lack of cooperative law as a subject in publicly funded educational institutions. The principle of mutuality in cooperatives refers to the concept that the members of a cooperative are both the owners and the users of the cooperative's services or products. This principle emphasizes that the benefits derived from the cooperative are shared among its members in proportion to their transactions or involvement with the cooperative, rather than being distributed on the basis of the amount of capital invested. In other words, the cooperative operates for the mutual benefit of its members, who actively participate in its activities and share in its risks and rewards. This principle distinguishes cooperatives from other forms of business organization where ownership and control may be separate from use or consumption.

The focus of this paper is on examining legal restrictions that prohibit foreign nationals, both legal entities and individuals, from becoming members of cooperatives. This restriction is often found in laws of economically less advanced countries. Although this restriction is found in the so-called global north, the degree of restrictiveness is rather reasonable in those cases. The aforementioned example of the legal reform in the UAE is important to be

emphasized. The country is inhabited largely by foreigners with the nationals or Emiratis comprising a relatively smaller minority. It is well known the majority of the foreigners working in the country constitute the workforce in hotels, transportation, care work and blue collared work. By giving the right to form & join cooperatives to such foreign workers, in addition to other high-paid foreigners in the country, UAE's Decree Law no. 9 on Cooperative Associations of 2022, has created an ocean of opportunities for the millions of workers to alleviate their social and economic conditions and contribute to the non-oil GDP of the country - an aspect that the country is deeply working towards. Another recent development is the creation of the "Be for Good Leaders Cooperative" registered as a cooperative under the laws of the Netherlands, and which seamlessly invites the membership of foreign nationals and aims to promote corporate leadership for the good.¹⁴ The author neither expresses appreciation nor criticism of this entity, as the information about Be for Good Leaders was relatively new at the time this paper was written.

A good example of inclusive laws is in Canada that permit foreigners to participate in Canadian cooperatives but impose restrictions on cooperative boards solely of foreigners. This example holds particular relevance to the paper because platform cooperatives like Stocksy United, with members in 67 countries, demonstrate the capability to engage with an international audience and membership, positioning them nearly on par with other platform businesses globally. The 2021 report of the UN Secretary General on Cooperatives in Social Development clearly states the specific significance of foreign members to platform cooperatives, particularly in the creative sector. Examples of countries with restrictive laws insofar as foreign members are concerned is placed in Annex 1.

The research conducted by the author suggests that neither the Cooperative Identity Statement nor the century leading up to its adoption indicated the necessity of restricting membership to national or local territorial boundaries. However, the practice of limiting membership to nationals, often within provincial jurisdictions, may be closely connected to two interconnected aspects. First, building the local economy, and the second to thwart any unintended competition between cooperatives of the same type. Let's look at this illustrative example developed in the context of the legal framework in India. Cooperative A is a farmers' savings and credit cooperative in the local jurisdictional (A) unit namely, a village and a municipality. It is somewhat difficult for another

cooperative with the same function to be set up in the same jurisdiction and even more difficult for a person from jurisdiction A to become a member of a similar type of cooperative in jurisdiction B. The membership as well as the business operations are linked to the domicile of the person and the cooperative. This is further substantiated by the fact that the 97th Constitutional Amendment Act, 2011 in India had included what was almost a model law for cooperatives in Part IX of the constitution and which was later in 2022 struck down by the Supreme Court of India citing the parliament had no right to encroach upon the powers of the states on legislating on cooperatives as it was a “state-subject”. It’s noteworthy that Part IX of the legislation consisted of three sub-parts: A. Panchayats, B. Municipalities, and C. Cooperatives, the latter of which was invalidated. Each of these sub-parts pertains to the smallest units of governance in India. The roots of a robust and resilient tree typically extend deeper and farther, enabling the tree to absorb optimal nutrients and resources essential for its growth. The author argues the complexity and details of the system of roots, in the context of cooperatives and their resilience must address membership, member promotion and the evolution of this aspect in the last 50 years. Cooperatives are no longer only viewed as only catering to the needs of smallholder farmers as was the case when the ILO adopted its first recommendation on cooperatives in 1966 which was meant for developing countries only. Since 2002, the revised international labor standard on cooperatives applies to all forms of cooperatives in all countries, thus creating the possibility for cooperatives to compete with other types of actors in the global market. The 2002 recommendation goes on to provide a list of factors which could foster international cooperation for cooperatives, and some of these factors require lawmakers to consider international membership in cooperatives.

Proposals for New Platform Cooperatives Incorporated in the Global South

The theme of the UN International Year of Cooperatives (IYC) in 2012 was “Cooperative Enterprises Build a Better World.” This theme highlighted the role of cooperatives in promoting socio-economic development, particularly their contribution to poverty reduction, employment generation, and social integration. The year aimed to raise awareness about the cooperative movement’s impact on sustainable development and its potential to address global challenges. Emphasis is laid on the word “enterprises” in the theme of the 2012 IYC. This term clarified to UN member states, cooperative apexes and other such stakeholders of the international cooperative movement that

cooperatives were indeed part of the diverse private sector and were not to be confused as any notion of them being extensions of governments, nor charitable organizations. This resulted in changes in a number of legislations around the world that clarified the purpose, nature and character of cooperatives as enterprises in the truest sense of the word.

The purpose of this section of the paper is to propose ideas which need further exploration and development, but that the author feels can be one of the immediate results of undertaking legal and policy reforms aimed at fostering platform cooperatives in the global south. The purpose is also to emphasize that the reforms can facilitate the creation of new-generation-cooperatives¹⁶ that can contribute to building a better world, a phrase which formed part of the theme of the UN-IYC 2012. The author feels linking this conclusionary section to the IYC is important for, we are on the eve of another UN International Year of Cooperatives (2025)¹⁷ and legal and policy reforms that support the creation of platform cooperatives could well be used in furthering international cooperatives that work towards the global good and build a better world.

The central aim of many platform cooperatives under discussion is the establishment of a society that is more equitable and just. Examples such as the United Taxi Workers San Diego (UTWSD)¹⁸, Up & Go Cooperative¹⁹ as well as larger enterprises such as Stocksy United²⁰, Resonate²¹, and even Smart Belgium²² which is a multistakeholder and large platform cooperative are all geared to solve genuine problems concerning decent conditions of employment and inclusive entrepreneurship. The two main ideas that are being presented in the following subsections, are currently being imagined with some close to the point of being seriously considered for implementation, whereas others that the author feels are important to be considered by the policy makers as well as cooperative movements.

The central objective of numerous platform cooperatives under discussion is to establish a society characterized by equity and justice. Examples like the United Taxi Workers San Diego (UTWSD), Up & Go Cooperative, as well as larger enterprises like Stocksy United, Resonate, and Smart Belgium, which is a multistakeholder and large platform cooperative, all aim to address genuine issues related to fair employment conditions and inclusive entrepreneurship. The ideas for platform cooperative solutions in the section entitled “Four Platform Cooperatives that Should Exist” are inspired by the success of four well known

cooperatively organized entities listed immediately below namely, Oikocredit, SWIFT, Magnum Photos, and Stocksy United .

Oikocredit Netherlands is a Dutch cooperative society that specializes in providing funding to microfinance institutions, cooperatives and small and medium-sized enterprises in developing countries. It is part of the Oikocredit International network, one of the world's largest sources of private funding for the microfinance sector. Founded in 1975, Oikocredit operates as a social impact investor, supporting sustainable development and poverty alleviation by providing loans, equity and capacity building to organizations working in financial inclusion, agriculture, renewable energy and other high-impact sectors in emerging markets. It is owned by its members, who invest in the organization with the aim of achieving social impact alongside financial returns. The cooperative nature of Oikocredit enables individuals and institutions to invest in a socially responsible way while contributing to global development efforts. The list of members of Oikocredit lists institutions and individuals from across the world.²³

SWIFT (Society for Worldwide Interbank Financial Telecommunication) is a global financial messaging network that facilitates secure and standardized communication between financial institutions worldwide. It is based in Belgium and operates as a cooperative society under Belgian law. It provides a platform for financial institutions to exchange information about transactions, including payments, securities, and trade messages. It plays a crucial role in the global financial system, ensuring the secure and efficient transfer of financial data between banks and other financial entities. While SWIFT may not be cooperative in the traditional sense, which is to say it does not cater to the needs of farmers, consumers, and people at large directly, its governance structure involves its member financial institutions. These institutions collectively serve hundreds of millions of customers globally and own and operate the network on a not-for-profit basis, solving the financial needs of banks.

This makes the messaging service affordable and accessible, and successful. These member institutions have a say in the organization's policies and operations, and they contribute to its ongoing development and governance. Before the establishment of SWIFT, international wire transfers relied solely on Telex, which had several limitations. Telex was slow, lacked robust security measures, and its free message format made it vulnerable to financial concerns.

Additionally, Telex lacked a standardized system of codes for identifying banks and financial institutions, forcing senders to describe each transaction in detail, leading to potential human errors and slower processing times. In response to these challenges, 239 banks from 15 countries joined forces in 1973 to create a more efficient communication system for international payments. This collaborative effort led to the formation of the Society for Worldwide Interbank Financial Telecommunication (SWIFT), headquartered in Belgium. SWIFT officially launched its messaging services in 1977, replacing the outdated Telex technology. Since then, SWIFT has evolved into a trusted global platform, serving over 11,000 institutions across more than 200 countries and territories worldwide. Today, SWIFT plays a vital role in facilitating secure and efficient communication for international financial transactions on a global scale.

It is crucial here to introduce (and remind the ones who know) about the concept of pseudo cooperatives. Mentioned and briefly explained in the ILO Promotion of Cooperatives Recommendation (no. 193), pseudo cooperatives are set up with the mal intentions of subverting labor law, disguising employment relationships and wilfully violating workers' rights. While the author is not insinuating that SWIFT is a pseudo cooperative in the fin-tech space, nor that the motivations to create SWIFT as a cooperative were ill-intentioned, the menace of pseudo cooperatives remains a valid concern and threat, even beyond the challenges concerning labor compliance. Mis-using the cooperative trade name and form can take place in many ways. A striking yet unfortunate reality is when high-net-worth partnership firms are organized as cooperatives in advanced economies. KPMG for instance was until very recently a Swiss registered cooperative firm. Similarly, most of the big four accounting firms are registered as cooperatives in Belgium, and this might change as a consequence of the legal reforms to the cooperative laws in the country. In short, adequate research and analyses is urgently warranted in the context of cooperatives that are basically just partnership firms with relatively easier exit clauses due to the open membership principle of cooperatives, that is misused in such cases.

Magnum Photos is a renowned international photographic cooperative founded in 1947 by four pioneering photographers: Robert Capa, Henri Cartier-Bresson, George Rodger, and David "Chim" Seymour. The cooperative was established with the aim of enabling photographers to retain control over their work while pursuing their individual artistic visions. It operates as a cooperative agency, meaning that its members jointly own and manage the organization. Over

the years, Magnum has grown to include many of the world's most talented and influential photographers, each recognized for their distinctive visual storytelling style. The cooperative's photographers cover a wide range of subjects, including photojournalism, documentary photography, portraiture, and fine art photography. Their work has been featured in leading publications and exhibited in galleries and museums worldwide. The cooperative model allows Magnum's photographers to maintain creative autonomy while benefiting from the collective resources and support of the agency. Magnum Photos continues to play a significant role in shaping the visual narrative of our world through its diverse and impactful photography.

Stocksy United is a Canada based platform cooperative for stock photography and stock video that was founded in 2013 by Bruce Livingstone, who also founded iStockphoto. Stocksy differentiates itself from traditional stock photography agencies by operating as a cooperative, meaning that the photographers who contribute to the platform are also co-owners of the company. Members are invited to join the cooperative from all over the world. This model allows photographers to have greater control over their work and to receive higher royalties compared to traditional stock photo agencies. Stocksy United focuses on high-quality, authentic imagery that is curated to meet the demands of creative professionals and businesses. The platform offers a diverse collection of royalty-free stock photos, illustrations, vectors, and videos that cater to various themes and topics. Additionally, Stocksy prides itself on its fair and transparent pricing structure, ethical business practices, and commitment to supporting its contributing artists, who make twice as much as they would with a platform like Getty Images.

Four Platform Cooperatives That Should Exist

The following ideas are in the conceptual stage. The author argues that the potential members and beneficiaries of these entrepreneurial concepts would benefit most if they were organized as platform cooperatives with an international scope and legal recognition, and specifically incorporated within countries of the global south. These ideas are aimed to visibly show a dimension of cooperatives that is usually not seen in countries of the global south, and at the same time are proposed to help small enterprises, entrepreneurs and workers in sectors and pursuits that are promising and currently growing.



"Africa Fashion". (Image: Unsplash, CC Licensed)"

Africa Fashion Cooperative

African Fashion is rapidly becoming a major sector poised to add momentum to the economies of several countries in Africa that pride on the demographic dividend, entrepreneurial fervor among people, and growing Pan-Africanism which is centered on maximizing the potential and benefits of the African Continental Free Trade Area (AfCTA). 32 fashion weeks are organized in the continent, and a 15 % rise in e-commerce growth has been witnessed in this sector in the last 5 years.²⁴ The annual exports of textile, clothing and footwear exports of fashion brands in Africa amounted to USD 15.5 Billion last year. Traditionally understood as one of the most extractive sector, fashion and by extension jewelry, can be viewed as the confluence of several industries and levels of employment, that require major reorganization with sustainability, ethics and decent employment on the one hand, and at the same time, increasing the production, sales and honest marketing on the other.

The idea being proposed here is one which is currently being discussed at the levels of the Afrexim bank and the International Trade Center, who are currently working with the International Cooperative Alliance to realize the needs and aspirations of the stakeholders of the fashion sector in Africa, through a

jointly-owned and democratically managed enterprise. A catalyst to the equation that has the stakeholders such as designers, workers and even consumers on the one hand, and the aspirations of these stakeholders as well as the governmental and inter-governmental interests, could be the platform cooperative model.

The main reason behind this assertion is that legislation across most countries on the continent prohibits the participation of foreigners, especially non-residents, as members of a cooperative. To address this and capitalize on the growing interest in e-commerce among stakeholders, it's worth considering a platform cooperative model.

This model could be incorporated internationally in a jurisdiction allowing active membership and economic participation of foreigners, both individuals and institutions. Alternatively, if this isn't feasible, a platform cooperative model registered as a Limited Liability Company or similar entity, with clear internal rules aligned with the ICA Statement on the Cooperative Identity, could serve as an alternative. This approach aims to encourage, engage, and promote entrepreneurship within the flourishing fashion sector in Africa.

The envisioned fashion cooperative would operate as a collaborative business model, uniting designers, artisans, workers, and other stakeholders in the fashion industry to collectively own and manage the production, distribution, and sales of fashion products. A multi-stakeholder cooperative with different classes of membership that caters to all concerned including in some cases the consumers with varying degrees of decision making powers. This could include decisions related to product design, production methods, marketing strategies, pricing, and distribution channels. In addition, a jointly owned brand name which independently encompasses the brands of the designers can be envisioned. Physical and virtual shops under the one collective brand name can complement the aforementioned scheme.

A platform cooperative in the fashion sector can encourage collaborative designing processes which could also benefit, and benefit from the relevant elements of intangible cultural heritage of Africa. Designers and artisans within the cooperative would collaborate closely on the design process, drawing on their unique skills, expertise, and cultural backgrounds to create innovative and sustainable fashion products.

This collaborative approach could result in a diverse range of styles and designs that appeal to different tastes and preferences. The platform cooperative would, in a transparent way, prioritize fair labor practices, ensuring that all workers involved in the production process are treated ethically and compensated fairly for their work. This could include providing safe working conditions, fair wages, and opportunities for skill development and advancement. Furthermore, sustainability would be a key focus of the cooperative, with members working together to minimize environmental impact throughout the production process. This could involve using eco-friendly materials, reducing waste, and adopting ethical sourcing practices, and reporting (see next section on sustainability reporting) these to ensure buyers and consumers can make their choices while purchasing. Education, Training and Information is the central tenet of the cooperative identity along with democracy.²⁵ The platform cooperative can become an important institution that offers training and skills development to different levels of workers and artists, and allocate funds from the profits for the same. Lastly, the platform cooperative being imagined here, could actively engage with their local communities, hosting fashion events, workshops, and educational programs to raise awareness about sustainable fashion practices and promote a deeper understanding of the fashion industry.

A Sustainability Reporting Cooperative Registered in the South Pacific

This idea is proposed as an economically viable manifestation of Paragraph 18 of the ILO.R.193. which reads as follows:

“International cooperation should be facilitated through:

- (a) exchanging information on policies and programmes that have proved to be effective in employment creation and income generation for members of cooperatives;
- (b) encouraging and promoting relationships between national and international bodies and institutions involved in the development of cooperatives in order to permit: (i) the exchange of personnel and ideas, of educational and training materials, methodologies and reference materials;(ii) the compilation and utilization of research material and other data on cooperatives and their development; (iii) the establishment of alliances and international partnerships between cooperatives;(iv) the promotion and protection of cooperative values and principles; and(v) the establishment of commercial relations between cooperatives;

(c) access of cooperatives to national and international data, such as market information, legislation, training methods and techniques, technology and product standards; and

(d) developing, where it is warranted and possible, and in consultation with cooperatives, employers' and workers' organizations concerned, common regional and international guidelines and legislation to support cooperatives".

Corporate sustainability reporting, also referred to as environmental, social, and governance (ESG) reporting, entails the practice of organizations communicating their environmental and social impact, alongside their initiatives to manage and alleviate these impacts. It provides stakeholders, including investors, customers, employees, regulators, and the public, with information about an organization's commitment to sustainable and responsible business practices. Sustainability reports typically cover a wide range of topics and metrics, including, "Environmental Impact" Information on an organization's environmental performance, such as energy usage, greenhouse gas emissions, water consumption, waste management, and efforts to reduce their ecological footprint; "Social Impact" Data on an organization's social and community-related initiatives, including diversity and inclusion, labor practices, employee well-being, human rights, and contributions to local communities; "Good Governance" Insights into the organization's corporate governance practices, including board composition, executive compensation, ethical standards, and risk management; "Economic Performance" Information about financial performance and how sustainability practices may affect the organization's bottom line.

Traditionally, legally obligatory audits of cooperative societies involve the systematic examination of their financial records, transactions, operations, and compliance with legal and regulatory requirements. These audits serve to ensure transparency, accountability, and the proper management of resources within the cooperative. Calls have been made for the so-called cooperative audits that go beyond financial reporting and extend to auditing whether a cooperative is compliant with the cooperative principles, good governance practices and environmental standards.²⁶ The Deutscher Genossenschafts- und Raiffeisenverband e.V. (DGRV), or the German Cooperative and Raiffeisen Confederation, conducts reporting activities primarily related to cooperative

development, support, and advocacy, and plays the role of the apex cooperative in Germany. In the wake of the urgent need to mitigate the climate change crises, private and public sectors are now engaged in reporting on their sustainability practices.

As environmental and social concerns have gained prominence in the business world, sustainability reporting has become increasingly important. Many investors and consumers seek out organizations that prioritize sustainability and responsible business practices. As a result, sustainability reporting has become a valuable tool for organizations to showcase their commitment to a more sustainable and ethical future.

Sustainability reporting is often guided by international standards and frameworks, such as the Global Reporting Initiative (GRI) and the Sustainability Accounting Standards Board (SASB). These frameworks provide guidelines for reporting and help organizations structure their reports in a standardized and consistent manner. Additionally, there are regional and industry-specific reporting standards that organizations may follow. Another important initiative announced during the Conference of Parties 26, is the International Sustainability Standards Board (ISSB) established by the Trustees of the International Financial Reporting Standards (IFRS) Foundation in response to market demand for comprehensive sustainability disclosures. The ISSB aims to develop global standards tailored to investor needs, addressing the fragmented landscape of voluntary sustainability standards. It creates a global baseline for sustainability disclosures, meeting investor information needs, enabling companies to provide comprehensive sustainability data to global markets, and ensuring interoperability with jurisdiction-specific disclosures. The ISSB commits to cost-effective, decision-useful, and market-informed standards that facilitate international comparability and avoid double-reporting for companies.

In the world of social and solidarity economy ²⁷, the Sustainable Development Performance Indicators (SDPI) ²⁸ produced by United Nations Research Institute for Sustainable Development measures, in one the authentic ways, where the sustainability performance of economic entities, including both for-profit enterprises and social and solidarity economy organizations can be measured. The platform assess impacts or performance against norms and thresholds that indicate a target consistent with the notion of sustainable development, as well

as shed light on ignored or neglected issue areas within current measurement and reporting models. The indicators help users to gain information on genuine impacts or performance of their enterprises and organizations in socioeconomic, governance and environmental areas. Smaller but equally important platforms such as COOBS or Cooperative Social Balance Platform have been created to encourage cooperative enterprises to mention and report their sustainability practices.²⁹ However, the main problem identified by the promoters of both the platforms, UN's SDPI and the privately founded COOBS during webinars and meetings attended by the author, is the dearth of initiative by cooperatives and SSEs to take out the time and report on the platform. The author posits that the issue of non-reporting on these platforms stems from two primary factors: firstly, the platforms typically operate as third-party entities, and secondly, cooperatives and smaller enterprises lack the financial and human resource capacity to engage in reporting unless it is mandated by law.

It can be argued that cooperatives are legally obliged to meet sustainability standards including creation of indivisible reserve funds, promoting education funds, ensuring open membership, equality and equity on the boards, etc. While European legislation is gradually making these sustainability standards mandatory, the author fears the mandatory obligations might interest larger corporations to invest resources in their own reporting and thus help their businesses be identified as sustainable and resilient, as opposed to cooperatives who despite carrying out sustainability activities at the local level, might not have the resources nor the interest in involving themselves in this *race* for reporting (their) sustainability. SDG reporting would certainly help grow the values of the brands in the coming years.

The platform cooperative envisioned here serves as a tertiary cooperative, essentially acting as the focal or apex point of a constellation of various types of cooperatives, all of which are its members. The cooperative here is essentially the platform, similar to the SDPI which consists of measurement metrics and indicators, and the users become members. The structure can be similar to the laid out in paragraph 19 of this paper, with member cooperatives benefiting from the host of services offered by the central cooperative, i.e., Sustainability Reporting Cooperative. The member cooperatives could be of any type, size and kind with their own membership bases varying from one another. In addition to co-ownership and utilizing reporting metrics akin to those used by SDPI, the proposed sustainability-reporting platform could provide various chat-based

services to enhance user experience and support sustainability reporting efforts. These services may include:

- Offering guided reporting assistance to users in real-time.
- Providing users with resources to understand sustainability reporting best practices, interpret data, and enhance their reporting skills.
- Facilitating communication and collaboration among user cooperatives through features designed for exchanging best practices and discussing sustainability topics in dedicated chat forums.

Furthermore, the data collected by the sustainability-reporting platform can be strategically leveraged by users to develop their businesses in several ways. Firstly, by analyzing the sustainability performance metrics and trends captured by the platform, member cooperatives can identify areas of improvement in their own sectors, and prioritize initiatives that align with their sustainability goals. This data-driven approach would enable cooperatives to make informed decisions about resource allocation, investment strategies, and operational improvements to enhance their overall sustainability performance.

Furthermore, the insights derived from the platform's data can be used to strengthen stakeholder engagement and communication efforts, demonstrating a commitment to transparency and responsible business practices. By showcasing their sustainability achievements and progress through data-backed reports and disclosures, businesses can enhance their reputation, build trust with stakeholders, and differentiate themselves in the marketplace.



Photo by Dustan Woodhouse on Unsplash

Ideas for further development in a potential continuation of this paper include:

Kabariwala: The Waste Pickers' Cooperative Registered in India

Kabariwala could explore the possibility of extending the benefits of the international platform cooperative model to alleviate the conditions of work and protections for waste pickers in India, where in several north Indian languages the term kabariwala translates into the (male) scrap dealer. Waste pickers are individuals or groups of people who collect, sort, and recover recyclable materials and valuable items from waste or garbage, often in informal or unregulated settings. They play a critical role in the recycling and waste management ecosystem, contributing to resource recovery, environmental conservation, and their livelihoods. Waste pickers typically work in both urban and rural areas, and their activities vary based on the local waste management infrastructure and economic conditions. They are usually part of the informal economy, and a number of ILO labor standards aim to protect their rights. The idea of this platform cooperative aims to mutualise the work of scrap dealers in India and invite class B, investor members, who would essentially be supporters (individuals and institutions) and who could together build a transparently run, decent-employment generating cooperative guaranteeing better incomes,

conditions of work and advocacy power to complement trade unions which scrap dealers usually have little access to in parts of India. The cooperative could benefit from international membership for non-nationals and non-residents to participate actively as Class B members.

A Global Cooperative Staff Network Registered in the Caribbean

Staffers Cooperative is imagined as a platform cooperative to bring together staff members of cooperative enterprises and institutions worldwide, to help the membership discuss and if possible, set standards of employment, potentially mutualise savings, support accommodations while traveling abroad, fund cooperative projects etc., but all through joining a platform cooperative as individual members. A living example of similar ideas are the international staff of the United Nations who participate in the United Nations Federal Credit Union which is a US based credit union but with membership of persons who live in and outside the country. The credit union helps the employees of the UN system secure easy loans and avail other financial products at competitive rates.

The purpose of a global staffers cooperative of persons employed by cooperatives, would go beyond the primary business objective which could be financial services like the UNFCU, and include elements of education, cross-cultural learning, and welfare in general. The 5th cooperative principle specifically mentions managers and employees, in its text. The potential impact of this platform cooperative is to aggregate the knowledge tools and information being given and being generated by staff members of cooperatives worldwide, and move towards developing intelligence to advance cooperative management and governance in the future.



Toad Lane Museum, Rochdale: Birthplace of 'The Rochdale Pioneers' co-operative movement. (CC Licensed Photo)

Crafting Inclusive Laws and Balancing Scale with Democracy for Sustainable Cooperative Principles and Values

The phenomenon of “companization” within the cooperative sector, particularly in the advanced economies of Western Europe, presents a significant challenge. Here, cooperatives are increasingly emulating corporate entities in scale, economic influence, and strategic ambition. This shift raises critical concerns about maintaining democratic control and genuine representation of individual members within large cooperatives, questioning the true cooperative nature of these entities. Despite these challenges, cooperative laws in these regions have evolved, positioning cooperatives as viable alternatives to the conventional joint-stock company model. Notably, the inclusivity of foreign nationals and the expansive operational scope of cooperatives in these economies stand in stark contrast to the restrictive practices prevalent in many Global South countries. Persisting with such limitations undermines the efforts of policymakers and cooperative apex bodies to leverage cooperatives for the greater good and envision a brighter future. Actionable strategies for the concerned stakeholders would include first, creating a continuous mechanism for co-constructing legislation, public policy and education for cooperatives; second, to ease any

restrictions on the creation of platform cooperatives that are international in character and scope, meaning laws that permit membership of foreigners and operations beyond boundaries; third, active promote the creation of such international platform cooperatives in areas of activities that directly address the Sustainable Development Goals, and make this pursuit (of the SDGs) driven by People, for their Prosperity, through Partnerships, in the interest of the health of the Planet and aimed always towards Peace - the 5 Ps of Agenda 2030 on Sustainable Development.

The issues highlighted in this paper may seem minor to some, with arguments suggesting the existence of laws facilitating multi-jurisdictional cooperatives within single countries, potentially uniting people from diverse regions. However, the principle of equal treatment mandates that all forms of business, including cooperatives, should be afforded comparable legal considerations and facilitated operations. At the same time, the principle of diversity in the context of cooperatives dictates states to enact laws and policies that do not ignore the special characteristics of the distinct type of enterprise that cooperatives are. Embracing platform cooperatives as a means to forge a better world, necessitates inclusivity and the dismantling of outdated legal barriers, especially in domains like cyberspace and services, to truly embody cooperative principles in the digital age and beyond.

যদি তোর ডাক শুনে কেউ না আসে তবে একলা চলো রে।
একলা চলো, একলা চলো, একলা চলো, একলা চলো রে॥
যদি কেউ কথা না কয়, ওরে ওরে ও অভাগা,
যদি সবাই থাকে মুখ ফিরায়ে সবাই করে ভয়—
তবে পরান খুলে
ও তুই মুখ ফুটে তোর মনের কথা একলা বলো রে॥
যদি সবাই ফিরে যায়, ওরে ওরে ও অভাগা,
যদি গহন পথে যাবার কালে কেউ ফিরে না চায়—
তবে পথের কাঁটা
ও তুই রক্তমাখা চরণতলে একলা দলো রে॥
যদি আলো না ধরে ওরে ওরে ও অভাগা,
যদি ঝড়-বাদলে আঁধার রাতে দুয়ার দেয় ঘরে-
তবে বজ্রানলে
আপন বুকের পাঁজর জ্বালিয়ে নিয়ে একলা জ্বলো রে।।

“Ekla Chalo Re” by Rabindranath Tagore in Bengali”

Rabindranath Tagore, the first non-European to ever win a Nobel Prize across all categories for his “profoundly sensitive, fresh and beautiful verse” wrote the protest song Ekla Chalo Re (Walk alone) in 1905, when he also wrote Amar Sonar Bangla which eventually became the national anthem of Bangladesh. Ekla Chalo Re encourages the listener to have the courage to follow their own path even if it means to walk alone. It reminds one of the foundations of any cooperative - self help and self-responsibility. This is manifested in the very nature of the cooperative enterprise form itself, with its distinctive yet defining features like one-member one vote, funds for education and training, indivisible reserves, user-membership, concern for community etc. A successful social and economic experiment like the cooperative enterprise must be given adequate room to evolve and seek out the *sunshine it requires*, to be able to grow lush and offer the shade that the traversing travelers find calm in the hot summer sun. Promoting the cooperative enterprise which, as Ian Macpherson, one of the architects of the ICA Statement on the Cooperative Identity explained in 1997 in Jaipur India, was as international as it was local, must be done with the aim to benefit its members beyond territorial boundaries, especially when they are created in the interest of advancing sustainable development, the conditions of workers and for the prosperity of all.

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I find the term "global south" problematic for its condescending character, its lack of depth, diversity, and consider it to be the recourse of the deliberately delusional. It may extend the infamously biased attitudes often witnessed against the economies of Southern Europe to the whole world. The term must indeed retire, just as the term "Third World" gradually did following the end of the so-called Cold War. However, the author recognizes the strategic usage of the term "global south" in certain situations to convey the promise, potential, and pursuits of economically less-advanced countries in achieving social justice for all, whenever that is or becomes the case. The inspiration for such an exception is the continued usage of the term "Third World" in scholarships like "Third World Approaches to International Law" or TWAIL, which critiques mainstream international law for its historical and continuing marginalization of the concerns and perspectives of Third World or Global South countries and peoples. A critical third-world approach goes further and gives meaning to international law in the context of the lived experiences of the ordinary peoples of the third world in order to transform it into an international law of emancipation.

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REFERENCES

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References

- 1 Hauck Sue Gonzalez. "All Nations Must Be Considered to Be Civilized." *Verfassungsblog*, 21 July 2020. Accessed on 21 January 2024. <https://verfassungsblog.de/all-nations-must-be-considered-to-be-civilized/>.
- 2 ILO. *The Story of the ILO's Promotion of Recommendation, 2002* (No.193). 2015. Accessed on 7 February 2024 https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---coop/documents/publication/wcms_371631.pdf
- 3 International Labour Organization. *90th Session of the International Labour Conference. Promotion of Cooperatives Recommendation* (No.193) 2002 (Paragraph 7) Accessed on February 1, 2024, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_code:R193
- 4 United Nations. General Assembly. *Draft Guidelines aimed at creating a supportive environment for the development of cooperatives, annexed to Resolution A/56/73* 2001. Accessed on February 1, 2024 <https://www.un.org/esa/socdev/social/documents/AnnexE200168.pdf>
- 5 Greenwood, Christopher. "2008 United Nations." Accessed on 1 April 2024. https://legal.un.org/avl/pdf/ls/greenwood_outline.pdf.
- 6 Douvitsa, Ifigeneia. "Cooperatives and National Constitutions." *International Journal on Cooperative Law* 1 (2016). Ius Cooperativum.
- 7 Padmanabhan Santosh Kumar "Cooperatives & Public International Law: Causes and Consequences" in *Una Visom comparada e internacional del derecho cooperative y economia social y solidaria. Liber Amicorum*. eds. Profesor Dante Cracogna. Hagen Henry and Carlos Vargas Vasserot. (380-391) Dykinson S.L., 2023
- 8 International Labour Organization. *90th Session of the International Labour Conference. Promotion of Cooperatives Recommendation* (No.193) 2002 (Paragraph 5) Accessed on February 1, 2024.
- 9 UNESCO. *Idea and Practice of Organizing Shared interests into cooperatives*. Accessed on 20 January 2024 <https://ich.unesco.org/en/RL/idea-and-practice-of-organizing-shared-interests-in-cooperatives-01200>
- 10 UNESCO. *The African Fashion sector: trends, challenges & opportunities for growth*. 2023. Accessed 26 January 2024. <https://unesdoc.unesco.org/ark:/48223/pf0000387230>
- 11 International Cooperative Alliance. "Co-operatives and the State" (1978)
- 12 Paragraph 18 of the 2021 *Report of the UN-secretary general on cooperatives in social development* (A/76/209)
- 13 United Nations. *Agenda 2030 on Sustainable Development*. Paragraph 27 and 41. 2015
- 14 *Coöperatie B for Good Leaders U.A. Member Regulations* ("Rules"). 2023. <https://www.bforgoodleaders.org/wp-content/uploads/2023/05/Rules-B-for-Good-Coop.pdf>.
- 15 United Nations. *Report of the Secretary General on Cooperatives in Social Development*. A/76/209. 22 July 2021. Accessed February 5, 2024. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/202/17/PDF/N2120217.pdf?OpenElement>
- 16 Not to be confused with New Generation Cooperatives in the context of 1970s USA and agricultural commodities as explained in Neto Sigismundo Bialoskorski (2000) *Contractual Incentives and Efficiency: The Case of the New Generation Cooperatives*. Accessed on 5 February 2024 <https://www.revistasober.org/article/5ddb5f5810e88257708f2c91e>
- 17 United Nations. *Resolution adopted by the General Assembly on 19 December 2023* (A/Res/78/175). Accessed on 5 February 2024 <https://documents.un.org/doc/undoc/gen/n23/420/80/pdf/n2342080.pdf?token=G2IRET4EkOtSPe3NvI&fe=true>

- 18 "United Taxi Workers of San Diego." Accessed February 5, 2024. <https://utwsd.org/>.
- 19 Up & Go Cooperative. Accessed February 5, 2024. <https://www.upandgo.coop/>.
- 20 "About Stocksy." Accessed February 5, 2024. <https://www.stocksy.com/service/about/>.
- 21 "Resonate." Accessed February 5, 2024. <https://resonate.coop/>.
- 22 De Brouwer Octave and Fontaine Maxime. *L'incapacité de travail en Belgique : un état des lieux critique: Work incapacity in Belgium: a critical overview*. (2021) Accessed 5 February 2024 <https://smartbe.be/wp-content/uploads/2022/10/06-22-1.pdf>
- 23 *Membership of the cooperative*. Accessed February 5, 2024. <https://www.oikocredit.coop/en/invest-in-oikocredit/membership-of-the-cooperative#:~:text=Our%20partners%20who%20have%20met,member%20by%20Oikocredit's%20Supervisory%20Board.>
- 24 UNESCO. *The African Fashion Sector, Trends, Challenges & Opportunities for Growth*. (2023)
- 25 Wilson Alexandra, Hoyt Ann, Roelants Bruno and Kumar Santosh. Examining our Cooperative Identity. *International Cooperative Alliance*. Belgium. 2021 Accessed on 6 February 2024 https://icaworldcoopcongress.coop/wp-content/uploads/2022/04/Congress_Discussion_Paper_Final_EN_2021-10-09.pdf
- 26 ILO. *Promotion of Cooperatives Recommendation No. 193* (2002). Paragraph 8.2 (b) Accessed on 6 February 2024 https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_code:R193.
- 27 United Nations. Resolution on "*Promoting the Social and Solidarity Economy for Sustainable Development*" (A/RES/77/281) Accessed 6 February 2024 <https://documents.un.org/doc/undoc/gen/n23/118/68/pdf/n2311868.pdf?token=N6LsVfQsjdBm2vR7b4&fe=true>.
- 28 "The Sustainable Development Performance Indicators (SDPI) Platform." Accessed February 6, 2024. <https://sdpi.unrisd.org/platform/>.
- 29 "Coobs." Accessed February 6, 2024. <https://coobs.io/#>.
- 30 Stewart, Patrick, and Huggins, Alexandra. "The Term Global South is Surging. It Should Be Retired." *Carnegie Endowment for International Peace*, August 15, 2023. Accessed on February 2, 2024. <https://carnegieendowment.org/2023/08/15/term-global-south-is-surging-it-should-be-retired-pub-90376>.
- 31 Chimni BS. "The Past, Present and Future of International Law: A Critical Third World Approach" *Melbourne Journal of International Law* 27; (2007) 8(2) 499. Accessed on February 2, 2024 <https://www5.austlii.edu.au/au/journals/MelbJIL/2007/27.html>

Annex 1

Table: A sample of countries that do not allow non-residents or non-nationals to apply for membership of cooperatives

Country	Law	Text
India	Delhi State Cooperative Rules, 2007	Rule 19.1.1. No person shall be admitted as a member of a cooperative society unless he is a citizen of India.
India	Kerala State Cooperative Societies Act, 1969	Section 16. Persons who may become members: An Individual who is a resident within, or is in occupation of land in the area of operation of the society.
Iran	Act on Cooperative Sector of Economy of the Islamic Republic of Iran (with Amendments)	Terms and conditions of membership in cooperatives are: 1. Citizenship of Islamic Republic of Iran
Kenya	Kenya - Cooperative Societies Act, 2012	14. Qualification for membership A person other than a co-operative society shall not be qualified for membership of a co-operative society unless— (a) he has attained the age of eighteen years; (b) his employment, occupation or profession falls within the category or description of those for which the co-operative society is formed; and (c) he is resident within, or occupies land within, the society's area of operation as described in the relevant by-law.
Lesotho	Cooperative Societies Act 2000	Part 2 section 10 No person shall qualify to be a member of a primary society unless he is (a) over the age of fifteen (b) a citizen of Lesotho
Malawi	Malawi - Cooperative Societies Act, 2014	Qualifications for membership include being a resident within or in occupation of land within the society's area of operation as prescribed by the relevant by-laws

Malaysia	Cooperative Societies Act of 1993	Part IV 26. In order to qualify for membership in a primary society, a person must— (a) be a citizen of Malaysia;(b) have attained the age of eighteen years or, in the case of a school co-operative society, have attained the age of twelve years; and (c) be resident or be employed or be in ownership of land within the area of operations of the primary society, or, in the case of a school co-operative society, be a registered student of the school
Mongolia	Civil Code of Mongolia, Article 36.4, 2002	Citizens of age 16-18 may be cooperative members
Myanmar	The Co-operative Society Law, 1992	Chapter IV Membership, Duties and Rights of a Member and Cessation of Membership 8. A person who possesses the following qualifications has the right to become a member in a primary co-operative society; (a) a citizen, an associate citizen or a naturalized citizen
Nepal	Cooperative Acts	The Nepalese citizens as follows may be members of an association: (a) Persons who make an application for the registration of the association, (b) Persons who reside within the jurisdiction of the association, subscribe the shares sold pursuant to Section 23 and intend to avail the services of the association, , undertake to bear the responsibilities attached to membership and fulfill the terms and conditions mentioned in the Bye-law, (c) Bodies which subscribe the shares sold pursuant to Subsection (1) of Section 23.

Nigeria	Nigerian Co-Operative Societies Act, 1993	Qualification for membership of a primary society b) he is resident within or in occupation of land within the registered society's area of operation as described in the bye-laws, except that in the case of a credit society, the ownership or occupation of land within the area of operation of the society by the member shall not apply.
Philippines	Philippines Code of Cooperatives, 2008	To create a primary cooperative you need Fifteen (15) or more natural persons who are Filipino citizens. Once created, "a new member is one who has complied with all the membership requirements and entitled to all the rights and privileges of membership"
Qatar	Law No. 5 of 2000 on Cooperative Societies 5 / 2000	A cooperative society member shall meet the following conditions:He shall be a Qatari national A cooperative society member shall meet the following conditions:He shall be a Qatari national
Rwanda	Law Governing Cooperatives in Rwanda, 2021	1) A person shall be qualified for membership of a primary society if- (a) he has attained the age of sixteen years, except that in the case of a school cooperative society, the age limit shall not apply; (b) he is resident within or in occupation of land within the registered society's area of operation as described in the bye-laws, except that in the case of a credit society, the ownership or occupation of land within the area of operation of the society by the member shall not apply. (2) The Director shall have power in the case of a society with limited liability, to grant exemption from the qualifications set out in subsections (I) (a) and (b) of this section
Saint Lucia	Cooperatives Societies Act	Shall be a citizen or a resident of Saint Lucia
Singapore	Co-operative Societies Act 1979	is a citizen of Singapore or is resident in Singapore; and
Tuvalu	Cooperative Societies Act	be resident within or in occupation of land within the society's area of operations as described by the by-laws.

Annex 2

Sourced from Wikipedia, a global information collective of sorts, the verses of Ekla Chalo Re read as follows:

For Bengali, *please see page 34.*

Roman transliteration

Jodi tor dak shune keu na ashe tobe ekla cholo re.
Tobe ekla cholo, ekla cholo, ekla cholo, ekla cholo re.

Jodi keu kotha na koe, ore ore o obhaga,
Jodi shobai thake mukh phirae shobai kore bhoe,
jodi shobai thake mukh phirae shobai kore bhoi—
Tobe poran khule
O tui mukh phute tor moner kotha ekla bolo re.

Jodi shobai phire jae, ore ore o obhaga,
Jodi gohon pothe jabar kale keu phire na chae,
jodi gohon pothe jabar kale keu phire naa chai—
Tobe pother kata O tui roktomakha chorontole ekla dolo re.

Jodi alo na dhore, ore ore o obhaga,
Jodi jhor-badole adhar rate duar dae ghore—
Tobe bojranole Apon buker pajor jalie nie ekla jolo re.

English:

If they answer not to thy call walk alone,
If they are afraid and cower mutely facing the wall,
O thou unlucky one, open thy mind and speak out alone.
If they turn away, and desert you when crossing the wilderness,
O thou unlucky one,
trample the thorns under thy tread,
and along the blood-lined track travel alone.
If they do not hold up the light when the night is troubled with storm,
O thou unlucky one,
with the thunder flame of pain ignite thy own heart and let it burn alone.



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